

In re Application of: Wagener et al.
Confirmation No: 1454
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REMARKS

Claims 1-31 are withdrawn. Claims 32-36 were added and are pending. Claims 1-6 and 9-12 have been cancelled without prejudice or disclaimer.

Claims 33-35 have been amended to provide the correct claim dependency. Claim 36 has been amended to explain the terms in the formula. No new matter has been added by virtue of this amendment and its entry is respectfully requested.

Applicants are filing herewith a Request for Continued Examination (RCE) due to the finality of the Office Action, and the appropriate fee.

Claim Objections

Claim 32 is objected to because of typographical informalities. Applicants have enlarged the font of the subscripts so that they are legible. No new matter has been added. Applicants respectfully request reconsideration and withdrawal of the instant objection.

Claim Rejections Under 35 U.S.C. § 112

Claims 33-36 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants respectfully traverse.

Claim 33 was rejected for reciting the limitations: " R" ", R'", r and s in lines 1 and 3". Applicants have amended the claim to indicate that claim 33 depends on claim 32. Independent claim 32 provides the antecedent basis of these terms.

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The Examiner rejects Claim 33 as "it is not clear as to what "x" refers to." In response, Applicants have amended claim 33 to indicate that it depends on independent claim 32 which describes "x".

Claim 34 was rejected for reciting "claim 10." Applicants have amended claim The amended claim 34 to indicate that it depends on claim 32. Claim 34 was further rejected for citing the limitation "R". The claim has been amended to correctly depend on claim 32. The term "R" is explained in claim 32.

Claim 35 was rejected for reference to "claim 9". Claim 35 was rejected for reciting the limitations: "R""", "o" and "s". Applicants have amended claim 35 to correctly depend on independent claim 32. Claim 32 describes each of the limitations.

The Examiner has rejected claim 36 "as it is not clear as to what "n", "m", "o", and "p" refer to." In response, Applicants have amended claim 36 to explain the terms. No new matter has been added by virtue of this amendment and its entry is respectfully requested. For example, the invention is directed to polymers, the terms "m", "n" and "p" refer to the number of monomers linked to form a polymer. Support is found, for example, page 6, lines 26-29. Support for "o" is found for example on page 5, lines 30-32.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Claims 32-36 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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Applicants respectfully traverse.

Support for the claims is found, based on the generally disclosed formula, $A_x-B_y-C_z$. See, for example, page 6, lines 7-17. Applicants have amended the claims to provide a more detailed structure of the general formula. Support for this formula and the previous amendments is found, for example, page 2, beginning on line 25 through to page 3, lines 5-29.

For example, R is a latent reactive group and is described on, for example, page 5, lines 31-32 through to page 6, lines 5-6. Support for R' is found on page 5, lines 31-32 through to page 6, lines 5-6; page 6, lines 26-28, for example. Support for R", can be found, for example, in Formula 6, page 8. Support for R''' can be found for example, on page 7, lines 21-23 and the formulae below (lines 24-25). Support for R'''' can be found, for example, on page 7, lines 21-25; page 5, lines 27-32 through to page 6, lines 5-6. 6, Support for O, m, n, p, q, s, w, x, y, and z can be found on page 5, lines 30-31; page 6, lines 18-28; page 7, lines 21-25; page 8, lines 5-10. See, also, Figures 1-3 and the Examples.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Claim Rejections Under 35 U.S.C. § 102.

Claim 35 is rejected under 35 U.S.C. § 102(b) as being anticipated by Yajima600 (U.S. 4 220 600).

Applicants respectfully traverse.

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Applicants teach a polymer that comprises silane units whereby the spacing between the Si and the double bond should be at least two CH₂ groups. The latent group can be any functional group that is inert during ADMET but active upon introduction of a specific condition. See, for example, page 6, lines 26-28.

Yajima600 does not teach the formula or polymers of the invention with a latent hydrogen group. Yajima600 describes carbosilanes with a backbone of alternating silicon and carbon atoms. The pending claims are directed to carbosilanes where every silicon atom is separated by at least two carbon atoms and a latent group that is activated upon introduction of a specific condition. Yajima600 thus fails to teach a polymer with a latent group as disclosed by Applicants. As such, Yajima600 fails to teach each and every claim limitation and thus, does not anticipate claim 35.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Claims 35 is rejected under 35 U.S.C. § 102(b) as being anticipated by Yoshitake (U.S. 6 184 407).

Applicants respectfully traverse.

Yoshitake discusses siloxane-carbosilanes having 2 carbon atoms between the silicon atoms and are a regularly expanding, dendritic, hyperbranched structures. The present application describes carbosilanes where more than half of the silicon atoms will be separated by at least 8 carbon atoms and are not hyperbranched structures and the latent group can comprise a methoxy group. Yoshitake fails to teach a polymer of the instant invention. As such, Yoshitake fails to teach each and every claim limitation of the instant invention.

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In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

Claims 34-35 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brezezinska (*J. Polymer Science*, Part A: Polymer Chemistry, vol 38 (200), 1544-1550).

Applicants respectfully traverse.

Brezezinska *et al.* does not teach copolymers which have ADMET cross-linking sites as in claims 34-35. Brezezinska *et al.* does not teach copolymers with oligoethers as does claim 36 of the present application. Furthermore, Brezezinska *et al.* do not teach or disclose alkenyl groups at the chain ends, nor methoxy groups at the chain ends. The Examiner is providing hindsight based on the applicants invention. In addition, Brezezinska *et al.* do not teach or disclose the copolymers of the instant invention having a chlorine latent reactive group. As such, Brezezinska *et al.* fail to teach each and every claimed limitation of the instant invention.

In view thereof, Applicants respectfully request reconsideration and withdrawal of the instant rejection.

CONCLUSION

In view of the foregoing, reconsideration and withdrawal of all rejections and allowance of the application with claims 32-36 are respectfully solicited.

If there are any remaining issues or the Examiner believes that a telephone conversation with the Applicants' attorney would be helpful in expediting prosecution of this application, the Examiner is invited to call the undersigned at telephone number shown below.

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Although, Applicants believe that no further extensions of time are required with submission of this paper, Applicants request that this submission also be considered as a petition for any extension of time if necessary. The Commissioner for Patents and Trademarks is hereby authorized to charge the amount due for any retroactive extensions of time and any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees paid on the filing or during prosecution of this application to Deposit Account No. 50-0951.

Respectfully submitted,



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